

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,)	
Plaintiff)	
v.)	C.A. No. 04-230 Erie
)	District Judge Cohill
WILLIAM WOLFE, et. al.,)	Magistrate Judge Baxter
Defendants.)	

ORDER

On December 14, 2004, Plaintiff filed a “motion for order for production of files subpoena duces tecum” [Document # 31] seeking an order requiring Defendants to produce his inmate and medical files at a hearing that was held before this Court on December 17, 2004. The hearing of December 17, 2004, was subsequently held, at which Plaintiff appeared and was given the opportunity to examine witnesses and to review and present evidence, including pertinent records. As a result, Plaintiff’s motion is moot.

AND NOW, this 7th day of July, 2005;

IT IS HEREBY ORDERED that Plaintiff’s motion for order for production of files subpoena duces tecum [Document # 31] is dismissed as moot.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
CHIEF U.S. MAGISTRATE JUDGE

cc: All parties of record